

LINCOLN PLANNING BOARD

APRIL 28, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, April 28, 2010, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Kenneth Bostic, John Hunt, Michael Reilly, Timothy Griffin and Jeffrey Delgrande. Also in attendance were Town Planner Albert Ranaldi, Town Engineer James Bernardino and Joelle Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Wilfred Ordonez.

Chairman Olean advised that six members were present; have quorum.

Chairman Olean welcomed new member Jeffrey Delgrande to the Board. Member Delgrande is an “at large” member.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has six zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Griffin to accept the consent agenda as presented was seconded by member Reilly. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. Stone Way Subdivision AP 23 Lot 91 Preliminary Plan
Crescent Properties, Inc. Dexter Rock Road Discussion/Approval**

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. This application represents the subdivision of 1 lot into 3 residential lots. The Board has until June 14, 2010 to make a decision on preliminary plan. The applicant is requesting two waivers which were reviewed and granted during master plan stage. This project was reviewed last month at preliminary plan stage with a few concerns. The developer has addressed a majority of those concerns. The sanitary sewer concern still needs to be addressed. There is currently two inches of cover over the sewer service the proposed house on lot #1 which is unacceptable. This is something that can be overcome. There are some other concerns in the TRC report but are minor in nature which can be resolved between the developer and the Town Engineer. The TRC recommends that the

applicant proceed to a Public Hearing in May.

Daniel Campbell, professional engineer representing the applicant, made a presentation to the Board. Mr. Campbell stated that since the hearing last month, modifications to the detention basin and storm water structures have been made. In having conversations with the Town Engineer it was found that a contour error was made on the last submission which gave the sewer line to lot #1 only two inches of cover. This error will be rectified. Mr. Campbell stated that the applicant does object to the Town Engineer's comment to provide test pits at the location of all the drywell sites. The Town has never requested these test pits before on other subdivisions. Typically, if test pits are required for each individual lot then that would be done at building permit stage. The test pits have been done for the detention basin. Chairman Olean reminded Mr. Campbell that the Board puts a lot of weight on the Town Engineer's recommendations. Chairman Olean also clarified that the Town Engineer has the right to ask for this through the Planning Board. Mr. Campbell reiterated that this practice has not been done in the past and brings another expense to the developer.

Town Engineer James Bernardino commented on this issue. Mr. Bernardino stated that he has spoken with the applicant about these test pits. He does understand that the drywells are a minor part of the storm water mitigation process. However, the applicant is proposing infiltration of those drywells as part of the mitigation calculations.

Typically, minor attenuations of infiltration from these structures are not counted in the calculations of the overall plan. If they are not accounted for in the calculations then a test pit would not be required. A drywell would be providing additional benefit to the storm water mitigation plan. Mr. Bernardino does understand that these drywells are a small part of the plan and believes he can work something out with the applicant to assure these drywells are installed. Chairman Olean reminded the Board that the TRC recommends moving this application to a public hearing. Member Hunt asked whether the granite curb issue has been addressed. Mr. Campbell stated that the plan has been modified to show the curbs per the Town request and also added the sidewalks.

Motion was made by member Griffin to move this application to a Public Hearing and the drainage issue to be solved between the applicant and the Town Engineer. The motion was seconded by member Hunt. The motion was approved by all members present.

**b. Magendantz & Dale Subdivision AP 27 Lots 80 & 81 Master Plan
Henry Magendantz Old Louisquisset Pike Discussion/Approval**

Mr. Ranaldi stated that this major subdivision is under the 2005 subdivision regulations. This subdivision is actually an administrative subdivision but requires zoning relief which elevates the application to a major subdivision. This property at the corner of Old Louisquisset Pike and Wilbur Road was built in the 1800's. This

application will need to be before the Planning Board two times then go to the Zoning Board and finally back before the Planning Board. The Board has until August 19, 2010 to make a decision on master plan. This application represents one neighbor selling another neighbor 1.4 acre of land. A new plan was submitted to the Board tonight because the Town had received several renditions of the plan.

The TRC was confused as to what plan the Town should be considering. The TRC had a concern with a 400 square foot section of land which looks like an easement but is shown as a parcel. The TRC was unsure of what this piece of land was. The applicant is prepared to explain this issue to the Board. The new plan has been revised to the satisfaction of the TRC. The TRC recommends that this application move to a public informational meeting in May. Chairman Olean asked Mr. Ranaldi if he has had a chance to review the plan that was submitted tonight. Mr. Ranaldi stated no.

Vanessa Varone, attorney for the applicant made a presentation to the Board. Ms. Varone apologized for the last minute plan submitted at tonight's meeting. The project is actually an administrative subdivision with the exception of a couple of zoning issues. These zoning issues were caused by the placement of the structures prior to modern day zoning law. The request before the Board is for two neighbors to exchange a rocky piece of land that is of little value. The neighbor would like to acquire that piece of land prior to the Magendantz's sale of their property. The small square of land that Mr. Ranaldi spoke of is actually a deeded parcel of land belonging to Mr.

Magendantz for the purpose of a well. Mr. Magendantz's property is now connected to public water so he has no need for that property. The applicant's decided to clear up the question of that piece of land by adding to lot 80 which would straighten out the lot line. This well was given to Mr. Magendantz's property approximately 100 years ago and we recognize it is not a proper division of land in the state that it is in. This current plan will rectify this situation in the benefit of the Town. The plan has been submitted to the Zoning Board for the appropriate relief required to accomplish this subdivision. There is no plan for any construction as part of this subdivision. Chairman Olean asked Mr. Ranaldi if he was comfortable moving this application forward or is more time needed to evaluate this new plan. Mr. Ranaldi responded he was comfortable moving this application forward. Member Bostic asked what the building labeled #32 was on the print. Ms. Varone responded that it is a house on a separate lot not affected by this subdivision.

Motion made by member Bostic to accept the TRC recommendation to move this application to a Public Informational meeting in May was seconded by member Reilly. Motion was approved by all members present.

PLANNING BOARD OFFICER ELECTIONS

Motion made by member Griffin to nominate all current officers to re-election for the coming year, Gerald Olean as President, Kenneth

Bostic as Vice President and Michael Reilly as Secretary. The motion was seconded by member Hunt. Motion was approved by all members present.

Member Hunt thanked all the officers for their service in the last year.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for March 24, 2010. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Reilly to dispense with the reading of the March 24, 2010 minutes and accept them as presented was seconded by member Griffin. Motion was approved by all members present.

Motion was made by member Griffin to adjourn was seconded by member Hunt at 7:31 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux